HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

(DIVISION BENCH)

CORAM : Hon'ble Shri S.R. Nayak, CJ
Hon'ble Shri Satish K. Agnihotri, J.

Misc. Appeal No. 962 OF 2005

APPELLANTS CLAIMANTS

1. Santoshi Das W/o Naresh Das, aged about 30 years
2. Suraj Das S/o Naresh Das, aged about 12 years.
3. Ku. Purnima D/o Naresh Das, aged about 10 years.
4. Sanjay S/o Naresh Das, aged about 04 years.
5. Ku. Sonam D/o Naresh Das, aged about 1 year,

appellants no. 2 to 5 are represented by legal guardian mother appellant no. 1, all are R/o Behind Electricity Office, P.S. Basana, Distt. Mahasamund (C.G.)

Versus

RESPONDENTS NON-APPLICANTS

1. Gautam Meshram S/o R. Meshram, age 40 years, C/o Gurpreet Singh Multani, S/o Kulwant Singh Multani, R/o Tatibandh, G.E. Road Tahsil & Distt. Raipour (C.G.)
2. Gurupreet Singh S/o Kulwant Singh Multani, aged 45 year, Tatibandh G.E. Road, Raipur (C.G.)
3. Smt. Jasbeer Kaur W/o. Jaspal Singh Sardar, R/o Telghani Naka, G.E. Road, Raipur (C.G.)
4. Santosh Kumar Agrawal, S/o Kailash Chandra Agrawal, Aged 32 years, R/o Balaji Transport Main Road Basna, Distt. Mahasamund
5. The National Insurance Company Limited, Division Office, Mobin Mahal, Second Floor G.E. Road, Raipur (C.G.)

Present:

Mr. S.C. Verma, learned counsel for appellants.

Mr. Ali Asgar, learned counsel assisting Mr. Prashant Jayaswal, Sr. Advocate for respondent No. 5.

ORAL ORDER

(Passed on 15th of December 2005)

The following order of the court was passed by

S.R. Nayak, CJ.

The dependants of the deceased have filed this appeal for more compensation.

Mr. Verma, learned counsel for the appellants would contend that even taking the age of the deceased on the date of the accident as 45 years, as has been done by the M.A.C.T, the M.A.C.T ought to have applied multiplier 15 and not multiplier 11 for assessing loss of dependency. The contention is well founded. If the age of the deceased was 45 years as on the date of accident, as per second schedule, the M.A.C.T. ought to have applied multiplier 15. It was also contended by Mr. Verma that the M.A.C.T. is not justified in not awarding any compensation towards 'loss of love and affection' for the minor children. Further, it was contended by the learned counsel that what is awarded under the head 'loss of Consortium' and 'loss to estate' are on lower side. Here again, we find some force in the contention. Even the compensation to be awarded by the M.A.C.T. under the conventional heads should not be static for all the time, because, that compensation would also form part of the compensation. In other words, the compensation to be awarded by the M.A.C.T. under the conventional heads should reflect time and place and the steep fall in money value. In that view of the matter, we award a sum of Rs. 20,000/- towards 'loss of consortium' to the widow and Rs. 20,000/- towards 'loss of love and affection' to the minor children and another Rs. 20,000/- towards 'loss to estate'. If we apply multiplier 15, the loss of dependency would be Rs. 3,60,000 (2000x12x15).

In the result and for the foregoing reasons, we allow the appeal in part and in substitution of the impugned award, we award total compensation of Rs. 4,22,000 under the following heads:

I.	Loss of dependency	Rs. 3,60,000
II.	Loss to estate	Rs. 20,000
III.	Loss of consortium	Rs. 20,000
IV.	Loss of love and affection	Rs. 20,000
V.	Funeral expenses	Rs. 2,000
	Total	Rs. 4,22,000

with interest @ 6% per annum from the date of the claim petition till payment. The Insurance Company shall deposit the balance of compensation money before the M.A.C.T. within a period of six weeks from today. On such deposit being made, the M.A.C.T. shall invest/disburse the compensation money in the same proportion as it has specified in the impugned award.

Sd/-
Chief Justice

Sd/-
SATISH K. AGNIHOTRI
Judge

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